

Tehama County Department of Agriculture Pesticide Use Enforcement Program FY 2006/2007

Enforcement Letter 06-14 requires that County Ag Commissioners (CAC) develop a pesticide use enforcement work plan for approval by the Department of Pesticide Regulation (DPR). This work plan must contain the “core enforcement program” elements of restricted materials permitting, compliance monitoring and enforcement response, which are the same elements as in our 2004/06 planning cycle. Reference to the past work plan will assist in development of the future plan.

County Resources

Tehama County has, in the recent past, been unable to attract experienced biologists for its staff. This has led to unfilled positions and entry-level biologists. For FY 2006/07, the vacant position has been filled temporarily and the Board of Supervisors has agreed to a failed recruitment salary increase that should help attract future experienced biologists.

According to our Annual Financial Statement, in FY 2004/05, the latest figures available, Tehama County spent about 40% of resources and 5500 hours per year on the Pesticide Use Enforcement Program. The amount of time from our previous evaluation has gone down from 8000 hours. The difference is largely due to loss of staff, which has since been remedied, albeit with entry-level biologists.

Restricted Materials Permitting

Although Tehama County has limited resources for evaluation and issuance of Restricted Materials Permits (RMP), our office has made important improvements from the last work plan cycle. The AgGIS RMP program has been installed and is being used for permit issuance. This new RMP program has greatly improved the evaluation of proposed sites by using digital aerial photographs to more accurately characterize the area to be treated and its environment. Approximately 70 percent of our sites have been digitized; the balance will be done this permit cycle. This new RMP program will ensure that we continue to comply with requirements of CEQA.

We currently have six members of our staff that issue permits, allowing better service to growers. Our office is currently open for office duty eight hours a day, five days a week during the busy permitting times of November through April and by appointment the balance of the year. As discussed above, we have two biologists with less than two years experience and two with less than one year. The county administration is aware of the difficulty in recruitment and is addressing this problem.

Site Monitoring-We have developed a local site monitoring plan that will assist biologists in prioritizing inspections (see attachment). Analysis of inspections completed in FY 2005/06 shows that the monitoring plan was not implemented effectively (priority inspections/total inspections). Specifically, there was identified a low number of category 1 liquid inspections done that should be a larger percentage of our inspections performed. This will be a target for the 06/07 period, with reviews of performance every month. The site monitoring plan will also be modified to target category I liquids with high toxicity (skull and crossbones symbol).

We have found it more efficient to monitor 5% of total sites due to available experienced staff. High priority will be given to new sites and to those designated as sensitive. This will allow us to better schedule the use of our resources during the busy times of the year. Should our personnel situation improve, we will reevaluate our method of monitoring.

Compliance Monitoring

Our office, along with our EBL performs annual evaluations of past compliance activities in order to develop future program planning. In order to optimize limited resources, we will need to reevaluate our compliance monitoring activities. In the past, we have considered assigning staff to geographic areas of the county, but have decided this would not result in better use of resources. We currently have all biologists performing activities in all program areas for which our office is responsible. In order to improve efficiency and make best use of our experienced staff, we plan on having fewer biologists focus more efforts on the PUE program. As other staff gain experience, we will reevaluate this option.

Analysis of FY 2005/06 monitoring activities shows that most noncompliances fall into two main areas: paperwork (use reports, ID #'s, etc.) and PPE. There were thirteen cases of late use reports, ID #'s and business failure to register violations. These can be addressed by focusing on these requirements when providing continuing education, issuing permits and increased compliance/enforcement action. There were ten worker safety (CCR 6700 group) violations, label and regulation PPE, and training and emergency medical care posting. See attachment for a summary of FY 2005/06 noncompliances by section.

We will continue to assure that noncompliances found during application, mix/load or fieldworker are corrected at the time of inspection, at a follow up inspection or with a compliance/enforcement action. For inspections with multiple PPE violations, and it appears that the employee may not have been adequately trained, we will try to conduct a headquarters inspection within 30 days of the initial inspection. Regardless, we will conduct followup activities within 60 days of the initial noncompliance. To continue improving our program, we will analyze the results of our inspections, illness and episode investigations and will use other feedback from DPR, and the public. In addition, we will use this information to design focused training outreach. We will commit to work with our EBL to review and evaluate our program effectiveness within the next six months to ensure improvements are made in site monitoring prioritization and timely compliance documentation.

Investigation Response and Reporting

We will continue to have the following as targets for Investigation Response and Reporting:

Timely initiation and completion of non priorities-We will initiate investigation of all incidents within 48 hours of receipt and have a target of 60 days for completion.

Timely priority episode investigation and reporting-we will adhere to the guidelines that DPR has for priority investigations.

Development and use of investigations plans-We will use DPR's guidance for conducting investigations.

Thorough report preparation-We will submit reports that meet DPR's criteria for completion and will work with our EBL in order to ensure complete reports. We will cooperate with our EBL in order to train new staff in investigation and report writing.

Non-pesticide investigation log (Tom will provide language).

Enforcement Response Evaluation

Tehama County will evaluate our enforcement program and assure it is fair, consistent and timely.

We will consider all appropriate enforcement options in our regulatory tool box. Referral to the state will be considered where appropriate.

Timely responses will be assured in order to prevent lost or compromised evidence and also to help tie our action to the violation. Our office will have a target of 60 days for completion of our investigations and taking any enforcement/compliance action within 90 days.

We will respond to all violations with either a compliance or enforcement action as required by 3CCR 6130 and the ERP (ENF 25-05).

We will use the action that will most likely ensure future compliance.

Priority will be given to those violations that pose greatest risk to people or the environment.